

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EUGENE P. GOLDBERG and
JAMES W. BURNS

Appeal No. 1998-1867
Application No. 08/141,017

ON BRIEF

Before STONER, *Chief Administrative Patent Judge*,
HARKCOM, *Vice Chief Administrative Patent Judge*, and
WILLIAM F. SMITH, *Administrative Patent Judge*.

Per Curiam.

MAILED

JUN 15 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES


REMAND TO THE EXAMINER

The Office of the Group Director of Technology Center 1600 has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.


If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the board so that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration.

This application, by virtue of its "special" status, requires *immediate* action by the examiner. See MPEP § 708.01(d). The Board of Patent Appeals and Interferences *must* be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

REMANDED


BRUCE H. STONER, JR., Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge

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